

Exhibit "4"

Immigration Inspector Ben Bumanglag's desk and he occupies his own cubical which is separate and apart from mine. Two other Senior Immigration Inspectors have joined cubicles with a phone in the middle of their cubicles. For me to use a phone, I have to get up and go into another cubicle to answer the phone. Even the collateral duty Immigration Inspectors who work in the Senior unit on an interim basis have a phone at their desk.

87. I am severely hampered in my ability to compete with my fellow Senior inspectors by not having a phone at my desk. Although Kelly Brehm's policy is to assign one Senior to secondary per day, many of the cases that are brought to the attention of the Seniors are done so by the secondary supervisor calling the Senior unit and requesting assistance. By having a phone at their desk, every Senior but me can take these calls and respond to the case. This in turn will be a work production statistic for *that* Senior and help to qualify him/her for a better rating on the Performance Work Plan (PWP) as well as compete for service awards.
88. The desk assignments were chosen by Kelly Brehm and the Senior Inspector that I replaced, SRI Joseph Rodgers, was equipped with a fully functioning work desk/space to include a phone. I was not assigned his desk area when he left.
89. I believe this to be a conscious effort on Kelly Brehm's part to limit my exposure to the Senior unit and be able to compete with the other Senior Inspectors. I further believe this to be part of a pattern of adverse actions and disparity in treatment. I believe that this was done in order to cause a racially hostile work environment and, through a continuing pattern of harassment at my work location, it was hoped that I would end up leaving the Senior Unit by either going back to Los Angeles, taking a lower level position, or it would give my supervisor a basis for stating that I am not able to perform the duties of a Senior inspector with an ultimate goal of eliminating me from the Senior unit.

ISSUE 14: ASKED TO PERFORM DUTIES UNRELATED TO HIS POSITION

Q: What specific unrelated duties were you asked to perform? For how long? When? Who requested that you do so? Were the duties that you were asked to perform above or below your grade?

90. Beginning with January 06, 1998 and extending through February 11, 1998, I was ordered to perform the duties of a GS-05/7/9 Immigration Inspector. As mentioned earlier, Immigration Inspectors, GS-5/7/9 work primary. Their duties are less complicated than mine and I am not rated on my PWP when I perform this type of work. Further, this was not a verbal order to just help out for a few hours or give breaks as is the normal policy/procedure at this port of entry when the Senior Inspectors are asked to help out. This was a direct order by various

EXHIBIT "4"

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Initials 